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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/24/2020

August 21, 2020

The Honorable Mary Kay Vyskocil
United States District Court
Southern District of New York
500 Pearl Street, Room 2230
New York, NY 10007

Re: Rodriguez v. Capra, 20-CV-3141 (MKV)

Dear Judge Vyskocil:

I represent the respondent in this habeas corpus case. In light of petitioner's response to respondent's motion to dismiss the petition on statute-of-limitations grounds—in particular, the September 2017 letter from the Appellate Division, which the court confirmed was sent to petitioner—respondent will withdraw the pending motion to dismiss. I respectfully request that respondent be given 60 days, or until October 20, 2020, to answer the petition.

Respectfully submitted,

Stephen Kress (SK-1024)
Assistant District Attorney
Counsel for Respondent

cc: Louis Rodriguez
DIN 11-A-3746
Sing Sing Correctional Facility
354 Hunter Street
Ossining, NY 10562

GRANTED. The pending motion to dismiss [ECF #9] is denied as withdrawn. Respondent must respond to the petition on or before October 20, 2020. The Court will mail a copy of this order to the Petitioner.

Date: 8/24/2020
New York, New York

Mary Kay Vyskocil
United States District Judge